

## **REMARKS**

The Examiner's Action mailed on March 12, 2004, has been received and its contents carefully considered.

In this Amendment, Applicant has editorially amended the specification and all of the pending claims. Further, claim 1 has been amended to include some of the subject matter from dependent claim 2, and dependent claim 2 has been canceled. Claim 1 is the independent claim, and claims 1 and 3-7 remain pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner's Action has rejected claim 1 as being anticipated by *Sordillo et al.* (USP 4,806,009), and has rejected the remaining claims as being obvious in view of *Sordillo et al.* Because claim 1 has been amended to include the subject matter from canceled claim 2, Applicant will treat this rejection as being based on §103. It is submitted that claim 1, and the claims dependent therefrom, are patentably distinguishable over the cited reference for at least the following reasons.

Applicant's claim 1 is directed to a nose pad for eyeglasses which includes a nose rack having a fully enclosed open hole therein. A shaft is disposed in the open hole and is arranged to bisect the open hole. A fastener is provided that has a stem that is receivable in the open hole. The stem has a sleeve formed therein that receives the shaft when the stem is received in the open hole. The stem further has an insertion slot that is in communication with the sleeve for inserting the shaft into the sleeve. An opening of the insertion slot is smaller than a diameter of the shaft so as to prevent the shaft from being removed from within the sleeve when the stem is received

in the open hole. This claimed configuration ensures that the nose pad will not inadvertently fall off due to the double gripping arrangement, that is, the shaft being received in the sleeve of the stem, while the stem is received in the open hole of the nose rack. Moreover, Applicant's claimed arrangement is easy to assemble, simply by pushing the fastener into engagement with the nose rack, and is easy to disassemble just by applying a force against the fastener and pulling it away from the nose rack. This claimed configuration is neither disclosed nor suggested by the cited reference.

The Examiner's Action acknowledges that this reference does not teach the configuration recited in amended claim 1, but states that Applicant's claimed configuration is an obvious design choice. This assertion is respectfully traversed.

*Sordilla et al.* disclose a nose pad in which a nose pad arm 25 is provided with an end 27 having a neck portion 28. A plate 12 is provided which has a stepped platform 17 having protruding prongs 18 thereon. Pad 10 is attached to the plate 12. The plate 12 is attached to the nose pad arm 25 by engaging the protruding prongs 18 with the neck portion 28. As shown in Figure 3, in order to engage the plate 12 to the nose pad arm 25, the nose pad arm is arranged at an angle to the plate, to allow the neck portion to slide in between the protruding prongs 18. However, this configuration will likewise allow the plate 12 to inadvertently fall off the nose pad arm 25, should the plate 12 be moved to an angle relative to the nose pad arm 25, as likewise shown in Figure 3. Thus, this arrangement does not provide for as secure of an attachment as is provided by Applicant's claimed arrangement. Moreover, installing the plate 12 to the nose pad arm 25 requires more manipulation and finesse than is required by Applicant's claimed invention, due to the requirement of having to arrange the plate at

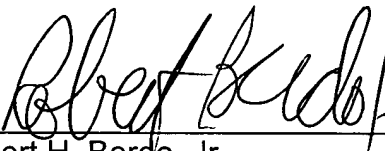
an angle in order to install it. Thus, this claimed arrangement is more difficult to assemble and disassemble than would be Applicant's claimed nose pad. As such, it is submitted that Applicant's independent claim 1, and the claims dependent therefrom, are *prima facie* patentably distinguishable over the cited reference. It is thus requested that these claims be allowed and that these rejections be withdrawn.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of the application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Respectfully submitted,

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Date

  
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